

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re: Jeremy Michael Huber,
Debtor.

Case No.: 20-21464-beh
Chapter 13

OBJECTION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

Jeremy Michael Huber has filed an objection to the Motion For Relief From Automatic Stay in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

NOW COMES the above-named Debtor, Jeremy Michael Huber, by and through her Attorneys, MILLER & MILLER LAW, LLC, and by Attorney Deborah A. Stencel, hereby objects to the Motion for Relief from Automatic Stay of Worth Enterprises, Inc. As grounds for such objection and requests, the Debtor asserts as follows:

1. It appears that Worth Enterprises and its attorney, Attorney Banse, were inadvertently omitted from the first list of creditors when the case was filed as an emergency or skeleton petition on February 26, 2020.
2. When the filing was completed, the Worth lawsuit was disclosed on the Statement of Financial Affairs and Banse and the creditor were disclosed on the creditors' schedules, but it appears not properly added to the matrix of creditors. See ECF 21 at pp 27, 28, and 38.
3. Nonetheless, Banse and Worth Enterprises received actual notice of the bankruptcy filing shortly after filing of the case by this office and from the debtor.
4. The undersigned has attempted to communicate with Attorney Banse on this matter no fewer than four (4) times without response in the seventeen months before the filing of the first motion for relief.
5. The undersigned asserts that actual notice was received by creditor by its attorney in February 2019 via facsimile with notice of bankruptcy filing (due to the pending lawsuit).
6. It is clear that actual notice was provided shortly thereafter and the entries on CCAP for Rock County Case Number 2019CV001229 Worth Enterprises, LLC vs. Jeremy L Huber et al, support this.

7. In its motion Creditor acknowledges its actual notice of the bankruptcy no less than ten (10) months before filing its motion to set aside the confirmation order under Rule 60, FRBP 9024 (which was subsequently withdrawn) and creditor's inexplicable delay alone should disqualify it from the relief sought.
8. Creditor withdrew its prior motion for reasons unknown and has refiled the current motion over the same set of allegations to which the debtor again objects and objects to creditor's attempt for a second bite at the apple for no apparent reason wasting time, energy, and resources.
9. The undersigned's continued efforts to communicate on the matter have been met with silence by Creditors' attorney.

WHEREFORE, the Debtor requests that the Court deny Worth Enterprises, Inc.'s Motion to Lift the Automatic Stay and further request that this matter be set for a hearing.

Dated at Milwaukee, Wisconsin this 8th day of October 2021.

/s/ *Deborah A. Stencel*

Deborah A. Stencel
MILLER & MILLER LAW, LLC
Attorney for Debtor

MILLER & MILLER LAW, LLC
633 W Wisconsin Ave, Ste 500
Milwaukee, WI 53203
(414) 277-7742

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CERTIFICATE OF MAILING

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Stacey Martinez, being sworn states that on October 8, 2021, I mailed properly enclosed in a postpaid envelope, an Objection to Worth Enterprises, Inc.'s Motion for Relief From the Automatic Stay, to the following named persons at their proper post office address after their respective names:

Jeremy Michael Huber
1940 Renaissance Ct
Green Bay, WI 54313

Trustee Scott Lieske - via ECF

U.S. Bankruptcy Trustee - via ECF

Attorney Crystal A. Banse – via ECF

Subscribed and sworn to before
me this 8th day of October 2021.

/s/ *Deborah A. Stencel*

Deborah A. Stencel
Notary Public, State of Wisconsin
My commission is permanent

/s/ *Stacey Martinez*

Stacey Martinez
MILLER & MILLER LAW, LLC
633 W Wisconsin Ave - Ste 500
Milwaukee, WI 53203